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Attorneys for Plaintiff
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC., a Delaware
corporation,

Plaintiff,

v.

JEREMI FISHER; PHILIP POREMBSKI;
RYAN SHIMEALL; and JOHN DOES 1-
25, individuals; and CHOKO SYSTEMS
LLC; HARM, INC.; PP WEB SERVICES
LLC, iMEDIA ONLINE SERVICES LLC,
and JOHN DOES 26-50, corporations,

Defendants.

Case No. C-09-05842-JF

**DECLARATION OF JOSEPH P.
CUTLER IN SUPPORT OF MOTION
FOR ADMINISTRATIVE RELIEF TO
FILE UNDER SEAL THE SECOND
DECLARATION OF JOSEPH P.
CUTLER IN SUPPORT OF
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

1 1. My name is Joseph P. Cutler and I am legal counsel for Facebook, Inc.
2 ("Facebook"), which is located in Palo Alto, California. I make this declaration based upon
3 personal knowledge and am competent to testify to the facts set forth herein.

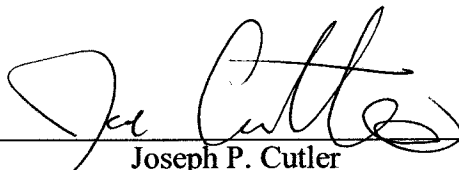
4 2. I make this declaration in support of Facebook's Motion for Administrative Relief
5 to File Under Seal the Second Declaration of Joseph P. Cutler in Support of Plaintiff's Motion for
6 Temporary Restraining Order submitted to this Court on December 17, 2009.

7 3. Sealing of the document listed above is warranted because it contains information
8 that document contains information that could place the safety of Facebook's employees and
9 Facebook's counsel in jeopardy. The mentioned document also contains information relating to
10 Facebook's confidential and proprietary network structure, defensive safety measures, and
11 methods for investigating a security breach, which constitute Facebook's trade secrets and/or
12 privileged information. Disclosure of this information could increase the likelihood of physical
13 or other harm, or be abused by malicious hackers or copy-cat spam artists.

14 4. A stipulation could not be obtained regarding the Motion for Administrative Relief
15 to Seal the Second Declaration of Joseph P. Cutler in Support of Plaintiff's Motion for Temporary
16 Restraining Order because we have only recently served Defendants and, despite a request that
17 they contact us, they have not all yet responded to our request.

18 **I declare under penalty of perjury under the laws of the United**
19 **States that the foregoing is true and correct.**

20 EXECUTED at Seattle, Washington this 17th day of December, 2009.

21
22 
23 _____
24 Joseph P. Cutler